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10/803,399	03/18/2004	Stephan K. Barsun	200313138-1	5524

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HEWLETT PACKARD COMPANY  
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INTELLECTUAL PROPERTY ADMINISTRATION  
FORT COLLINS, CO 80527-2400

EXAMINER
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PAPE, ZACHARY

ART UNIT	PAPER NUMBER
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2835

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07/01/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* STEPHAN K. BARSUN, CHRISTIAN L. BELADY,  
ROY M. ZEIGHAMI, and CHRISTOPHER G. MALONE

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Application 10/803,399  
Technology Center 2800

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Mailed: June 30, 2009

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Before ERIC W. HAWTHORNE, *Supervisory Paralegal Specialist*.  
HAWTHORNE, *Supervisory Paralegal Specialist*.

ORDER RETURNING UNDOCKETED APPEAL

This application was electronically received by the Board of Patent Appeals and Interferences on June 13, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

EXAMINER'S ANSWER  
GROUND OF REJECTION TO BE REVIEWED ON APPEAL

In the Final Office Action, under the heading "Claim Rejections – 35 U.S.C. § 112" it states:

Claim 17 recites, the limitation, "the fourth device".  
There is insufficient antecedent basis for this limitation in the claim. For the purposes of examination, the Examiner has considered the fan limitation with only a second device."

Final Office Action 2

However, the Examiner's Answer fails to identify or provide the status of the rejection under 35 U.S.C. § 112.

In the Appeal Brief, under the heading "Status of Claims", it states:

Claims 17, 34-37, 39-42, 51, 53 and 54, i.e., all of the presently pending claims that stand rejected in this application.

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The Examiner's Answer mailed November 19, 2007 under the heading "Status of Claims" is unclear and/or is not consistent with the status of claims of record in accordance with 37 CFR 41.37(c)(1)(iii). The status of the claims as provided in both the Examiner's Answer and the Appeal Brief must be consistent with the last entered amendment. Each claim on appeal must be identified. *See also Manual of Patent Examining Procedure* (MPEP) § 1205.02 (8<sup>th</sup> ed. Rev. 6, Sept 2007) for details.

The Examiner's Answer fails to provide the status of claim 17.

Accordingly, it is ORDERED that the application is returned to the Examiner:

1) to vacate the Examiner's Answer mailed November 19, 2007 and provide a new Examiner's Answer including the status of the rejection of claim 17 under 35 U.S.C. § 112 and the status of claim 17 and other claims on appeal.

2) and for such further action as may be required.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797

EWH/ljs

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